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NSC FOR ABRAMS/DORAN/MARCHESE/HARDING

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TAGS: [PREL](#) [PGOV](#) [PTER](#) [KCRM](#) [LE](#) [SY](#)

SUBJECT: SINIORA DEFENDS CABINET, VOWS TO PASS TRIBUNAL

Classified By: Jeffrey Feltman, Ambassador, per 1.4 (b) and (d).

SUMMARY

11. (S) Meeting with the Ambassador late on 11/12, Prime Minister Fouad Siniora projected serenity and strength, as lawyers, aides, and ministers whirled in and out of his office offering advice on transcending Lebanon's latest made-in-Damascus political crisis. Siniora provided a detailed chronology in rejecting President Emile Lahoud's demand for more time to study the UN drafts regarding the special tribunal. The PM cited the constitution in countering Lahoud's claim that, with the resignation of the five Shia ministers, the cabinet is no longer legitimate. Siniora vowed that the cabinet would meet at noon Monday (11/13) as announced, but he mused about whether it was tactically better for cabinet approval of the tribunal now or later in the week, after Speaker Nabih Berri's return from Iran. One way or another, the cabinet would pass the tribunal, Siniora insisted. Meeting with the Ambassador later on 11/12, Walid Jumblatt, Marwan Hamadeh, and Ghattas Khoury said that, while March 14 leaders understood why Siniora was contemplating delaying a vote on the tribunal until later in the week, it was "too dangerous" to wait: Hizballah will have too much time to promote chaos. Better to pass the tribunal on Monday, they said. (We understand that Saad Hariri passed that message to Siniora last night; the cabinet is preparing to start its session as of this writing.) Jumblatt and Siniora both expressed deep concern about their physical safety, with Jumblatt saying that he has been told that the Syrians have a plan to use Ahmed Jibril's PFLP-GC to attack Jumblatt's Mukhtara fortress. Siniora asked that, in any U.S. public remarks, we omit praise of him in favor of criticism of others and support for the special tribunal. End summary.

"WAR ROOM" ATMOSPHERE IN SINIORA'S QUARTERS

12. (S) The Ambassador met with Siniora for 90 minutes on 11/12. Shaking his head that the pro-Syrians were demonstrating "suicidal behavior" and "desperation," Siniora appeared confident, calm, and strong -- "serene" is how Siniora answered when the Ambassador asked how he was feeling. The atmosphere in the Grand Serail, however, was anything but serene, with a "war room" atmosphere similar to that when UNSCR 1701 was being negotiated. Aides, lawyers, and ministers interrupted the meeting frequently, rushing in and out with ideas and comments. Siniora, remembering something, would sometimes stop mid-sentence to make phone calls and then pick up the conversation with the Ambassador

exactly where he left it. Minister of Culture Tariq Mitri, Acting Minister of Interior Ahmed Fatfat, Minister of Education Khaled Qabbani, Minister of Parliamentary Affairs Michel Pharaon, Tourism Minister Joe Sarkis, advisor (and outgoing ambassador to the UN) Nawaf Salam, and former Minister (and Hariri legal advisor) Bajih Tabbarah were among those who came to see the PM during the Ambassador's call.

13. (S) Inter alia, Siniora called Minister of Justice Charles Rizk to check on a legal issue, Deputy Prime Minister Elias Murr seeking assurances (which Murr readily gave) that the Lebanese Armed Forces were prepared to protect the cabinet meeting the following day, and Minister of Environment Yacoub Sarraf (allied with Lahoud) to urge his attendance at the controversial Monday cabinet meeting. When Sarraf (who surely is being ordered by Lahoud not to go) reported that he needed to consult his spiritual leader, Greek Archbishop Audi, Siniora immediately deployed Mitri (also Greek Orthodox) to enlist Audi in persuading Sarraf to attend the cabinet. (On Monday morning, Sarraf submitted his resignation letter.) Siniora sent Minister of Social Affairs Nayla Mouawad, Pharaon and Mitri to see Maronite Patriarch Sfeir, who assured them of his support for the government, and senior advisor Mohamed Chattah to see Michel Aoun. Chattah, who came back while the Ambassador was still there, reported that Aoun was "remarkably reconciliatory" (although Aoun subsequently lashed out at Siniora in television interviews) and said that he had no intentions of sending his followers to the street. Aoun also offered to mediate between March 14 and Hizballah.

SINIORA'S CHRONOLOGY
OF TALKS WITH LAHOUD

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14. (C) Siniora told the Ambassador that he would stick to the noon cabinet meeting on Monday (11/13) that he had called on Saturday morning, per the constitutional requirement that the Prime Minister announce cabinet meetings and provide an agenda at least 48 hours in advance. The cabinet agenda contains a single item: the special tribunal, now that the UN has delivered the drafts that have P-5 concurrence. In rejecting the argument by pro-Syrian politicians that more time is needed to study the documents, Siniora said that he wanted to share with the Ambassador in detail the chronology of conversations he had with President Emile Lahoud on this issue,

-- Thursday, 11/9: The cabinet met in regular session, and Siniora then announced a cabinet meeting for Monday, to discuss inter alia the Telecom Regulatory Agency (TRA) appointments Lahoud has been blocking.

-- Friday morning, 11/10: Siniora, after receiving the tribunal documents from the UN, called Lahoud to say that he would send them immediately to Baabda, which he did. He told Lahoud that Monday's cabinet meeting consider both the TRA and the tribunal. Lahoud responded that he would have to study the documents for both issues.

-- Saturday morning, 11/11: Before the fourth round of political consultations started, Siniora called Lahoud to say that, given the escalating rhetoric in the country, the tribunal discussion was urgent and he was about to circulate formally the agenda for Monday's cabinet (in accordance with the 48-hour rule). Siniora told Lahoud that, out of deference to Lahoud's concerns, he would remove the TRA until a later date. Lahoud claimed not to have read the tribunal documents yet and argued that Siniora was moving ahead too quickly. Siniora responded that the drafts have not changed substantially from those Lahoud studied when he submitted 34 pages of comments a couple of weeks ago. Siniora offered to travel to Baabda and discuss the drafts in detail with Lahoud. Let's finish this now, Siniora told Lahoud, so we

solve an issue that is causing worry and pressure. Siniora also went through with Lahoud on the phone the negotiating history of the drafts, arguing that, as the Russians approved "everything down to the comma" that meant that Syria already had input in the process. Lahoud insisted on more time, which Siniora refused to give. Siniora took the decision to call the cabinet and circulated the official agenda and supporting documents before leaving to attend the Saturday political consultations.

-- Saturday afternoon, 11/11: Siniora received a letter from Lahoud, claiming that Siniora was violating Article 52 of the constitution (regarding authorities for negotiating treaties) "and so forth and so forth." Siniora, in response, conveyed an oral message to Lahoud that he would cancel his Asia trip ("which I was taking for the good of Lebanon, to build support for Paris III and to meet the new Secretary General") in order to reschedule the cabinet meeting for Tuesday or Wednesday. Siniora repeated his offer to go to Baabda to go over the drafts with Lahoud. "I wanted to pull the rug out from under his excuses," Siniora said; "he said he needed more time, well I was willing to give him some, but not unlimited time."

-- Sunday, 11/12: Siniora sent a letter to Lahoud outlining the above chronology and asking him to attend the cabinet meeting on Monday. Siniora said that he planned to leak that letter to the press, to show that he had bent over backwards to talk with Lahoud about the tribunal.

VOWING TO HAVE CABINET APPROVE TRIBUNAL,
BUT MAYBE ON THURSDAY RATHER THAN MONDAY

15. (S) Siniora said that, despite Lahoud's objections and the Saturday afternoon resignation of the five Shia ministers, he would proceed with the Monday cabinet meeting and table the tribunal drafts. He vowed to have the cabinet approve the drafts. But, he said, has still thinking about whether, tactically, it might be better to table the drafts but not actually vote on them until later in the week, perhaps at the regular Thursday cabinet session. Perhaps, Siniora said, Berri could be brought around once he returns (reportedly on Tuesday night) from Iran, as the comments from the Amal ministers suggest that the split from the cabinet might not be permanent.

16. (S) The tribunal, Siniora said, would be seen as far
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more legitimate if there were Shia support for the drafts or at least Shia participation in the debate. By holding a cabinet meeting on Monday but delaying a vote until Thursday, Siniora could posture himself as having "gone that extra step" to secure Berri's endorsement. On the other hand, Siniora said (admitting he was thinking out loud), Berri might actually prefer that the inevitable cabinet approval of the tribunal drafts occurs when he is out of the country, to absolve him of any blame in Syria or Iran. Siniora noted that he had tried, but failed, to reach Berri twice in Iran. And any delay, he said, would also permit the others to rally the street in a way that makes cabinet meetings difficult to arrange. The Ambassador asked him when he would decide whether or not to bring the tribunal drafts to a cabinet decision Monday. Siniora said that he still needed to consult with March 14 leaders and "gauge the atmosphere."

REJECTING LAHOUD'S ARGUMENT
THAT CABINET IS NOW UNCONSTITUTIONAL

17. (S) Siniora also rejected Lahoud's claim that the government was now unconstitutional because of the Shia resignations and thus not permitted to take decisions such as regarding the tribunal. Thumbing through a copy of the constitution, Siniora noted that cabinet resignations,

like cabinet appointments, only become effective with a decree signed by both the PM and the President (per Article 53), "and I haven't agreed to their resignation." Moreover, he said, "very good constitutional lawyers including those who don't normally like us," including former Baalback MP Hassan Rifai, agree that the constitution's guarantee about representation for all of Lebanon's confessions means that no government can force out a community against its will or form a cabinet without representation from one community. But there is no formal "confessional veto," something that the Taif accord did away with when Maronite supremacy ended. Vetoes are done by numbers, Siniora said (referring to the "blocking minority" concept specified in the constitution), not by confession. Siniora acknowledged that the cabinet is politically weaker without Shia representation, but it is not, as Lahoud claims, "illegitimate." Siniora mused about sending Lahoud five Shia nominees for the ministerial posts, knowing full well that Lahoud would reject them all. "Then I'll tell him, 'fine, send me any five Shia you want, and I'll accept them.'"

18. (S) Asked about the longer term prospects for the Shia ministers, Siniora said that the Berri ministers and Berri himself were at pains to make it appear as though the breach with the cabinet majority was not permanent, which Siniora hoped would prove to be the case when Berri returns. But Hizballah rhetoric against the majority was on becoming "nastier," suggesting that Hizballah ministers will not rejoin the cabinet unless they get the blocking minority. Siniora found it significant that Hizballah was, in fact, no longer talking about a blocking minority ("thilth al-mu'atal") but rather guaranteeing minority ("thilth ad-dhamin"), "as if only Hizballah has the right to decide what decisions to allow to proceed."

MARCH 14 FIGURES BACK MONDAY DECISION

19. (S) After leaving Siniora, the Ambassador then met with Walid Jumblatt, Marwan Hamadeh, and Ghattas Khoury, who had just attended a March 14 political meeting. While expressing understanding of Siniora's tactical consideration of putting off the tribunal draft approval until Thursday, they said that Saad Hariri would tell Siniora later that night that the risks of delay were too great: the cabinet must approve the tribunal on Monday. Jumblatt thought it "too dangerous" to wait, given Hizballah's goal of "making problems, causing chaos."

SECURITY CONCERNS FROM PFLP-GC AND QAIDA

10. (S) Jumblatt and Siniora separately expressed great concern to the Ambassador about security issues. Jumblatt said that he was considering traveling abroad again, and he heard that his usual safehaven of Mukhtara was now under threat from Ahmed Jibril's PFLP-GC which, he claimed, has prepared for attacks on Mukhtara. Siniora and Jumblatt both expressed concern about reports circulating in Beirut that al-Qaida was makings to attack March 14 leaders and the Siniora cabinet as U.S. agents. In Jumblatt's view, this was

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a worrying ruse by the Syrians that sets the stage for attacks Syria can deny. The Hizballah and Syrian hatred for Siniora is particularly worrying, Jumblatt said, referring to "the way" Hizballah MP Mohammed Ra'ad glared at Siniora whenever the latter spoke during the four rounds of political consultations. Asked what the U.S. can do now to help, Siniora responded that he prefers that our public messages avoid praising Siniora but concentrate on "the neighbors" and international support for the special tribunal instead.

FELTMAN